

You Missed the Chance! Green Cards for Spouses & Children of Green Card Holders

Written by U.S Immigration News

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Procrastination, they say is the thief of time. Early this year, I wrote an article in the U.S. Immigration News encouraging all green card holders with spouses and children abroad to immediately petition for their spouses and children to join them in the United States. I repeated the article about three times in the newspaper. While some immigrants heeded the call and petitioned for their alien relatives immediately, some held on to the old advice from their lawyers that they should wait until they become citizens before filing, they are now living to regret that decision.

Early 2010, all the unused visas in other family based categories of immigrating to the United States were added to the annual 114,200 visas assigned to family based category two of the monthly Visa Bulletin by the U.S. Department of States.

As soon as I noticed the opportunity brewing, I jumped at it to encourage all immigrants in that category to file rather than wait to become citizens. Many of them came to my office and we filed their petitions. Those who seized the opportunity are now rejoicing as the process to bring their loved ones to the United States was reduced from 5years to 6months. Some immigrants who read my article came to my office to inquire, only for them to take about three months before coming back to file. They thought the opportunity will remain forever despite the explanation in my article; they ended up missing the chance.

The opportunity was not meant to last forever. As a result of the opportunity, many immigrants applied and within few months all the unused visas were taken and slowly but surely, the second family based visa category is creeping back to the old average of 5years waiting period before spouses and children of green card holders could migrate to the United States.

In December 2010, the category A of the 2nd family based preference of the Visa Bulletin was holding at August 1, 2010. The priority date for December 2010 showed an average waiting period for a permanent resident alien to bring his or her spouse and under 21 children to the United States was about 5months. Unfortunately, around December 12, 2010, the U.S.

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Department of States released the Visa Bulletin for January 2011 and the 2nd

category was hit with adverse effect.

According to the January edition of the Visa Bulletin, any green card holder who petition for their loved ones in January 2011 or whose petition is yet to be approved, will now need to wait for about two years to bring their spouses to the United States. The January 2011 priority date now stands at January 1, 2008, which means that it will now take an average of two years to bring your loved ones to the U.S. Please note that this deterioration is likely to continue until we get back to the old 5years average.

According to the U.S. Department of States, "As reported in the December Visa Bulletin (number 27), the cut-off dates for most Family preference categories advanced at a very rapid pace during the past two years. Those movements have resulted in a dramatic increase in the level of applicant demand received in recent months. This has required the retrogression of many Family preference cut-off dates for January in an effort to hold number use within the various numerical limits. Further retrogressions cannot be ruled out should demand continue at the current levels."

Let me assure those who heeded the call to file that they will still be processed under the 6months rule. If your case has been approved and now with the National Visa Center, that means a visa number has already been assigned to your case and it will be processed under the December 2010 Visa Bulletin showing current.

As immigrants in the United States, this period is a desperate time. All immigrants must identify and seize every available opportunity to become legal in the country. Snippets of opportunities will come from time to time that will take care of a handful of immigrants at a time, please do not miss your chance. Stay in touch with immigration developments at all times through the U.S. Immigration News. If you have a pending immigration case requiring a waiting period, it is my advice that you watch the monthly Visa Bulletin like a hawk. Do not miss the opportunity to apply timely.

If your brother or your sister petitioned for you around year 2001 and you are in the United States, it is time to consult with an immigration attorney because your priority date is now ripe. If you petitioned for your brothers and sisters abroad on or about 2002, it is time to begin to talk to an immigration lawyer because your priority date is about ripe for the issuance of visa, do not

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leave things to chance.

If your petition was filed as far back as 2003 and you are yet to get an approval letter, something might be wrong. It is possible that your case has been denied because you did not respond to the This period request for additional documents. Please consult with an immigration attorney for immediate assistance.

This is article is for your information only. It is not a legal advice that can only be rendered by an attorney after evaluation your case. If you need legal advice, please feel free to contact Attorney Joseph Famuyide at 718-647-6767 or send email to jfamuyide@aol.com This e-mail address is being protected from spambots. You need JavaScript enabled to view it .

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